

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM BURNS,

Plaintiff,

v.

SHAWN BREWER, et al.,

Defendants.

2:18-cv-10937

HON. TERRENCE G. BERG

**ORDER ADOPTING REPORT
AND RECOMMENDATION
B**

William Burns, a *pro se* plaintiff presently in the custody of the Michigan Department of Corrections (“MDOC”), claims that Defendants, employees of the MDOC, prohibited him from receiving proofs of books he has authored, in violation of his civil rights. This case is now before the Court on a motion for summary judgment filed by Defendants Michelle Floyd, Jennifer Norder, James King, Christine McCumber-Hemry, Kimberly Napier, Shawn Brewer, and Greg Wilton (ECF No. 26), and the corresponding report and recommendation issued by Magistrate Judge Elizabeth A. Stafford (ECF No. 45). For reasons described below, the report and recommendation will be accepted and adopted, Defendants’ motion granted in part and denied in part, and claims against Defendants Fredeane Artis and Brent Rohrig dismissed *sua sponte*.

The Court has reviewed the Magistrate Judge's report and recommendation as well as the parties' briefing on the MDOC Defendants' motion for summary judgment. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections to the report and recommendation. The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate Judge's report and recommendation of August 15, 2019 as this Court's findings of fact and conclusions of law.

For these reasons, it is hereby **ORDERED** that Magistrate Judge Stafford's report and recommendation (ECF No. 45) is **ACCEPTED** and **ADOPTED**. The motion for summary judgment filed by Defendants Michelle Floyd, Jennifer Norder, James King, Christine McCumber-Hemry, Kimberly Napier, Shawn Brewer, and Greg Wilton (ECF No. 26) is therefore **GRANTED IN PART** and **DENIED IN PART**. The claims against Defendants Floyd, Norder, McCumber-Hemry, Brewer, and Wilton, are **DISMISSED** without prejudice. As recommended by Magistrate Judge Stafford, the Court will also *sua sponte* dismiss Plaintiff's claims against Fredeane Artis and Brent Rohrig.

Plaintiff's claims against Defendants Napier and King remain to be tried.

SO ORDERED.

Dated: September 11,
2019

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on September 11, 2019.

s/B. Sauve

Case Manager